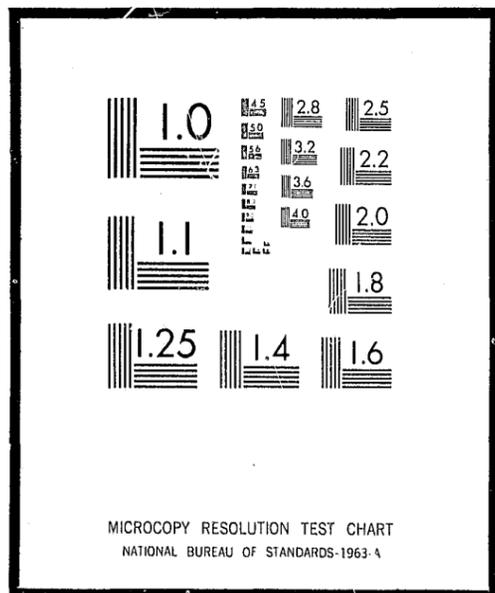


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504 .

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

8/1/75

Date filmed

## Judicial Conference Of The State Of Oregon 1973

013590



OFFICE OF THE STATE COURT ADMINISTRATOR  
Ex Officio  
EXECUTIVE SECRETARY TO THE CONFERENCE —  
Supreme Court Building  
Salem Oregon

THE SUPREME COURT  
KENNETH J. O'CONNELL  
CHIEF JUSTICE



SALEM, OREGON

Honorable Tom McCall  
Governor  
State of Oregon  
State Capitol  
Salem, Oregon 97310

Dear Governor McCall:

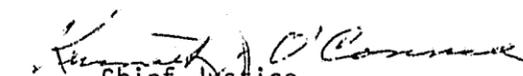
In compliance with ORS 1.840 submitted herewith is the 1973 annual report of the Oregon Judicial Conference.

Once again I can report that the time lapse in the disposition of cases both at the trial and appellate level is relatively short and the backlog of cases relatively small. In this respect Oregon is in a much better condition than most other states. It must be recognized, however, that increasing case filings have increased the judicial workload at all levels leaving less and less time for judges to study and analyze each case and leaving them inadequate time for participation in programs for improvement in the administration of justice.

With the time that can be spared from regular judicial duties Oregon judges are striving to improve the operation of the courts, not only in providing for a speedy disposition of cases but also in improving the quality of work of the courts. To this end an attempt has been made to redesign the Judicial Conference so that through the creation of substantially more Conference committees judicial manpower can be more efficiently allocated to make studies and recommendations for change.

In the effort to make the court system work more efficiently and fairly we are constantly frustrated at all levels by inadequate budgets. It is probably not widely known that of the total cost of the operation of state government in Oregon, less than 1% is devoted to the administration of the courts. The correction of this disparity must be one of the principal items in any sound program for the improvement of state government. It is hoped that the Governor's Commission on Judicial Reform will recognize the need for reform in this direction and will urge legislation to provide the judicial branch of government with adequate budgets and with sufficient autonomy to put into effect changes it finds necessary. We solicit your aid in this endeavor.

Respectfully,

  
Chief Justice  
Chairman, Oregon Judicial Conference

KJO:sk

## Table of Contents

---

	Page
Executive Committee of Judicial Conference .....	5
Supreme Court Justices .....	6
Court of Appeals Judges .....	6
Tax Court Judge .....	7
Circuit Court Judges .....	8
District Court Judges .....	10
Oregon's Court Structure .....	12
Map showing Judicial Districts .....	13
Oregon Judicial Conference Activities - 1973 .....	15
Developments in the Oregon Court System in 1973 .....	18
Special Problems .....	20
Office of the State Court Administrator .....	21
Committees of the Judicial Conference .....	24
ORS Statutes on Judicial Conference .....	33
By-Laws of Judicial Conference .....	34

## Executive Committee

---

Chief Justice Kenneth J. O'Connell, Chairman

Associate Justice Edward Howell  
Judge Virgil Langtry  
Judge J.S. Bohannon  
Judge Charles S. Crookham  
Judge Don H. Sanders  
Judge William A. Beckett  
Judge Robert M. Mulvey

Loren D. Hicks, State Court Administrator  
*Executive Secretary to the Conference*

## Appellate Courts

---

### Supreme Court

Kenneth J. O'Connell, Chief Justice

William M. McAllister, Associate Justice  
Arno H. Denecke, Associate Justice  
Ralph M. Holman, Associate Justice  
Thomas H. Tongue, Associate Justice  
Edward H. Howell, Associate Justice  
Dean Bryson, Associate Justice

### Court of Appeals

Herbert M. Schwab, Chief Judge

Virgil Langtry, Associate Judge  
Robert H. Foisy, Associate Judge  
William S. Fort, Associate Judge  
Robert Y. Thornton, Associate Judge  
Jacob Tanzer, Associate Judge

## Tax Court

---

Carlisle B. Roberts, Judge

## Circuit Court Judges

District No.	Counties Included	Name
1.	Jackson Josephine	James M. Main Samuel M. Bowe Loren L. Sawyer Mitchell Karaman
2.	Lane	Edward Leavy Roland K. Rodman F. Gordon Cottrell Edwin E. Allen Douglas R. Spencer Helen J. Frye
3.	Marion	Jena V. Schiegel Val D. Sloper Joseph B. Felton George A. Jones Duane R. Ertsgaard
4.	Multnomah	James R. Ellis Richard J. Burke Clifford B. Olsen Alan F. Davis John C. Beatty, Jr. Berkeley Lent William S. McLennan Alfred T. Sulmonetti Phillip J. Roth Robert E. Jones George Van Hoomissen Jean L. Lewis William M. Dale, Jr. John J. Murchison Charles S. Crookham Harlow F. Lenon Pat Dooley Mercedes F. Deiz
5.	Clackamas	P.K. Hammond Winston L. Bradshaw Howard J. Blanding Dale Jacobs
6.	Morrow Umatilla	William W. Wells Henry M. Kaye

## Circuit Court Judges Cont.

District No.	Counties Included	Name
7.	Hood River, Wasco, Sherman	John A. Jelderks
8.	Baker	Lyle R. Wolff
9.	Harney, Malheur	Jeff D. Dorroh
10.	Union, Wallowa	W.F. Brownton
11.	Gilliam, Grant, Crook, Deschutes, Jefferson, Wheeler	J.R. Campbell John M. Copenhaver
12.	Polk Yamhill	Darrell J. Williams Kurt C. Rossman
13.	Klamath	L. Orth Sisemore Donald A.W. Piper
14.	Lake	Charles H. Foster
15.	Coos, Curry	James A. Norman John C. Warden
16.	Douglas	Don H. Sanders Charles S. Woodrich
17.	Lincoln	Eugene K. Richardson
19.	Clatsop, Columbia, Tillamook	Thomas E. Edison J.S. Bohannon Donald L. Kalberer
20.	Washington	Glen Hieber Albert R. Musick Hollie M. Pihl
21.	Benton, Linn	Richard Mengler Wendell H. Tompkins Courtney R. Johns Frank D. Knight

President — Circuit Judges Association — Clifford B. Olsen

## District Court Judges

County	Name
Benton	Robert L. Gilliland
Clackamas	Charles A. Sams Robert M. Mulvey
Clatsop	Harold T. Johnson
Columbia	James A. Mason
Coos	Charles H. Reeves
Curry	Sam Hall
Deschutes	Joseph J. Thaihofer
Douglas	Gerald O. Kabler Carl M. Felker
Hood River	John F. Cushman
Jackson	Lavaughn A. Merryman Ross G. Davis
Josephine	L.A. Cushing
Klamath	Wayne H. Blair
Lane	Frank R. Alderson William A. Beckett Winfred K. Liepe
Lincoln	A.R. McMullen
Linn	Carl G. Stanley
Marion	Albin W. Norblad Thomas W. Hansen
Multnomah	Robert W. Redding John F. Gantenbein William C. Beers Irving M. Steinbock Shirley Field

## District Court Judges Cont.

County	Name
	Philip T. Abraham Philip M. Bagley Aaron Brown, Jr. Anthony L. Casciato Edmund A. Jordan William L. Richardson Richard L. Unis
Polk	Walter W. Foster
Umatilla	Richard J. Courson
Wasco	Sam Van Vactor
Washington	Harold A. Lewis Gregory E. Milnes
Yamhill	Donald R. Blensly

President — District Judges Association — L.A. Cushing



## Oregon Judicial Conference Activities 1973

---

The Judicial Conference of Oregon, pursuant to ORS 1.840, submits its Annual Report for 1973.

### THE ANNUAL MEETING

The Judicial Conference of Oregon met at the Village Green, Cottage Grove, Oregon, for its three-day annual meeting commencing June 7, 1973 with more than 90% of the Conference members present.

Following the opening business sessions, Professor George Platt of the University of Oregon School of Law presented four teams and four topics relative to Oregon's Code of Criminal Procedure. Mr. Levi Smith, Executive Secretary to the Governor's Commission on Judicial Reform, presented a report on the work of the Commission and Federal District Court Judge Walter E. Craig, Arizona, reported on activities of the federal judiciary in the field of increasing liaison between the trial and appellate courts and the federal judges' programs for continuing education.

At the second business session the Conference, by unanimous vote, recommended Oregon's circuit and district courts adopt a uniform rule on style and form of court documents and effective July 1, 1974 the size of such documents should be 8½" x 11".

On Saturday morning a debate was held on the question of whether or not the Conference should endorse HB 2905<sup>1</sup> then pending before the Legislature to place the rule-making power for civil proceedings in the Supreme Court. After the debate, presented by Walter Evans, Jr., and William Knudsen, Jr., pro, and David C. Landis and Frank H. Pozzi, contra, the Conference voted 12-24 against supporting the bill.

The Conference also voted to create a committee to confer with the Oregon State Bar and its appropriate committees to study the problem of modernizing the Code of Civil Procedure in Oregon and to study later the question of where the rule-making power should be placed.

The Conference voted to support passage of SB 403<sup>2</sup> amending Oregon Laws 1971, ch 623, which provided that Oregon District Courts would become courts of record July 1, 1973.

### Work of the Standing Committees of the Conference

#### BENCH BOOK COMMITTEE

The Bench Book Committee has considered the development of a bench book for quick reference by trial judges and a desk book for more leisurely use in chambers. An application for FY 1974 LEAA funds by the State Court Administrator for the editing and publishing of the bench book has been approved by the Oregon Law Enforcement Council enabling the Conference committee, chaired by Circuit Judge John A. Jelderks, to implement its plan for the development, writing, editing, printing and distribution of the book.

#### COURT CALENDARING COMMITTEE

To insure the continued review of case backlogs and the disposition of inactive cases, the Judicial Conference Calendar Committee developed model uniform rules for the calendaring and monitoring of cases in Oregon's trial courts. The calendaring rules were designed to fit courts with either an individual or a master type of assignment system. Uniform trial date notice forms were also developed by the committee.

<sup>1</sup> HB 2905 died in Senate Judiciary Committee

<sup>2</sup> SB 403 died in Senate Judiciary Committee, and another measure postponed until July 1, 1975 District Courts becoming Courts of Record.

---

#### ELECTRONIC DATA PROCESSING COMMITTEE

An advisory committee of judges, administrators, and computer experts, chaired by District Judge William Beckett, worked throughout the year to develop standards for the maintenance of court records by electronic data processing. This committee met periodically, gathered information and discussed various aspects of court record keeping by electronic data processing. It made its preliminary report to the Supreme Court and will continue its work on this very complex subject in the year ahead.

#### PROBATE LAW & PROCEDURE COMMITTEE

The Probate Committee, chaired by Circuit Judge Kurt Rossman of Yamhill County, is encouraging use of procedures that can be used by probate judges, commissioners, and court clerks across the state to better handle probate, keep the cases moving, increase early terminations, decrease the backlog of old (3 years and over) cases, and in general better serve the public in this area. Probate of an estate is a joint endeavor by the attorney and the court. The initial obligation to deal promptly and properly with the estate rests with the attorney. However, once the estate is filed the court has an obligation to monitor and supervise the probate. Systems vary considerably around the state. The committee's goal is to develop more efficiency and uniformity in the handling of probate procedures and also more trained administrative help so that effective audit and control can be maintained. The judiciary, with strong support from the bar, is attempting to take the lead in this endeavor to increase the efficiency of the probate of decedent's estates.

While a seemingly high 14.5% of the probate cases pending in the circuit courts and the county courts at the end of December, 1973 are over three years old, this condition is very much improved over the recent past. In 1967 there were 22.3% of probates pending over three years. At the end of 1972 there were 16.6% over three years old. Certainly, sustained efforts in the disposition of probate cases are paying off. Not only are there fewer cases pending over three years, but there are fewer cases pending overall. Each year since 1967 has seen a substantial decrease in the total number of probates pending at the end of the year. The average decrease has been about 3.2%. This indicates that probates reaching disposition are not being fully replaced by new filings.

#### REPORTING and RECORDS COMMITTEE

The Reporting and Records Committee with Circuit Judge Charles Crookham, Chairman, has dealt throughout the year with the constant problem of attracting and retaining competent reporters and also with the problem of delay in preparation of lengthy transcripts. When a reporter is saddled with several orders for transcripts amounting to many volumes, it is almost impossible to prevent delay on appeal unless the reporter is substantially relieved from courtroom duties until the transcript is completed. The present reporter compensation system and the nonavailability of pro tem or extra reporters seems to have precluded a ready solution to the problem. The committee is still searching, however.

The committee is also working on the matter of retention of court reporter's notes. How long and in what manner should these notes be retained? The committee hopes to develop some answers soon.

The committee devoted considerable effort to the district courts because Oregon Laws 1971, ch 523, provided for the district courts to become courts of record in 1973. The initial impact of this requirement could have placed the district courts in the difficult position of finding a large number of qualified court reporters. Oregon Shorthand Reporters' Association indicated that it was a practical impossibility to

provide full-time court reporters for all of the district courts of Oregon, and that the use of mechanical reporting methods seemed appropriate. The members of the committee were of the opinion that such mechanical means should be uniform and compatible throughout the state.

A very helpful LEAA Technical Assistance report prepared by the National Center for State Courts at the request of the State Court Administrator, entitled "Selection of a Court Reporting Method for the Oregon District Courts" was studied and its recommendations made available to all District Court Judges and judicial committees of the Legislature.

The 1973 Legislature, however, postponed the effective date of the district courts going "on the record" to July 1, 1975. The committee will continue to review this program for the district courts and will encourage additional experiments to evaluate equipment and the feasibility of transmitting voice tapes to the appellate courts instead of typewritten transcripts. The committee also may give consideration to the use of "Voicewriters". Six Oregonians were trained in Washington, D.C., during the first half of 1973 in a "Voicewriting" experiment sponsored by the National Center for State Courts. During the summer the trainees were assigned to three Oregon district courts to test the feasibility of this method of electronic reporting of court trials. The results were good.

#### STATISTICS COMMITTEE

The Judicial Conference Statistics Committee, composed of judges and court administrators from all levels of the state court system, met regularly during the year and reviewed in depth the present system of judicial statistics and developed a comprehensive expanded system of statistics for the state courts.

The committee recognized that the management of a state court system requires the development of an adequate source of information upon which management decisions may be based. To carry out the committee's recommendations the Oregon Supreme Court, through the office of the State Court Administrator, has begun a study to expand the statistical reporting system for the circuit courts. This project, funded by the Law Enforcement Assistance Administration, should help in attaining the goal of timely, accurate, statistical reports concerning the work of the courts which will be useful to the trial courts, the State Court Administrator, the Legislature, the Chief Justice, and to all persons who deal with the work and needs of the courts of Oregon.

Also, this statistical study will provide a basis for the implementation of a more elaborate and sophisticated statewide judicial information project scheduled to be developed in Oregon over a two year period under a National LEAA grant sponsored by Project SEARCH with the assistance of The Institute of Judicial Administration.

The National Highway Traffic Safety Administration has developed a traffic case reporting system as part of the federal highway program which requires states to report annually in detail concerning adjudications, convictions and sentencing practices in traffic courts, and also time gaps in case disposition, rules, specific violations, etc. Also, the 1973 Legislature directed that the Supreme Court compile and publish municipal court statistics. Therefore, the State Court Administrator is now working in conjunction with the Statistics Committee and a special committee of the Municipal Judges Association to develop a statistics system for the traffic courts throughout the state to meet these new requirements.

#### UNIFORM JURY INSTRUCTIONS COMMITTEE

The Uniform Jury Instructions Committee has formulated proposed instructions on murder, criminally negligent homicide, murder reduced to manslaughter, reckless manslaughter. The committee is presently considering instructions for murder-felony and for theft.

## 1973 Developments in the Oregon Court System

---

### NEW JUDICIAL POSITIONS:

The 1973 Legislature created a sixth position for Oregon's Court of Appeals beginning October 5, 1973. Also, an additional circuit judge was approved for the 1st Judicial District (Jackson-Josephine Counties) and another for the 20th Judicial District (Benton-Linn Counties), both effective in October 1973, and for the 21st Judicial District (Washington County) effective in January 1975.

At the request of the Supreme Court the 1973 Legislature created the title and position of Senior Judge and provided that members of the Oregon Bench who retire after 12 years service may enroll as Senior Judge and thereafter be subject to assignment, with their consent, to any court that needs their temporary services. They will be acting similarly to pro tem judges, but without the necessity of repeated appointments and repeated taking of the oath and with the more distinguished title of Senior Judge.

### JUDICIAL EDUCATION:

The first orientation course in Oregon for new judges was conducted in February 1973. Called the OREGON JUDICIAL COLLEGE and sponsored by the Oregon Judicial Conference, the course included five days of lectures and seminars, including "Transition to the Bench," "Role of the Judge in the Trial of a Case," "Decision Making," "Court Administration," "Conflict of Interest and Judicial Conduct." The new judges also conferred with the supervisory and planning staffs of the Corrections Division, Board of Parole and Probation, Oregon State Department of Police, and the Children's Services Division of the Department of Human Resources. The course is to be repeated in February 1974.

More than 35 judges and court administrators attended courses at the National College of the State Judiciary in Reno, and other training programs during 1973. This is the largest number of judges to attend the college from Oregon in any one year. Almost all were sponsored by LEAA funds granted to the Supreme Court by the Oregon Law Enforcement Council.

### PRESIDING JUDGES MEETINGS:

In 1973 a new program consisting of a series of meetings of the Chief Justice, the Chief Judge of the Court of Appeals and the State Court Administrator with presiding circuit court judges around the state was inaugurated. Meetings have also been held with six of the district court presiding judges and it is hoped that meetings with the rest of the district court presiding judges can be completed soon. These sessions have proved beneficial to the participants and to the court system. Several promising projects and innovations that had their origin in these busy, informal meetings are being tested and implemented.

### JUDICIAL NEWSLETTER:

In March 1973 the first issue of a judicial newsletter was circulated to the appellate, circuit, district and minor court judges, and to other interested parties. The first issue was so well received that Judicial Notices No. 2. was published in May, and No. 3 in December. It is expected that several informative issues will be published each year.

### PROGRAM OF APPOINTING PRO TEM CIRCUIT and DISTRICT COURT JUDGES:

In addition to assigning circuit and district court judges to other judicial districts when needed, a program of appointing attorneys as pro tem judges to help prevent and reduce backlogs and to keep trial schedules moving despite emergencies such as sudden illness and disqualifications was implemented in 1973. Due to

heavier caseloads in almost all judicial districts the trial courts have had to rely to a considerable extent on pro tem help. Many attorneys have served and have been most cooperative in giving of their time. It can be a real sacrifice for a practicing attorney with a substantial overhead to leave his practice to serve on the bench at a nominal per diem. Such service is deeply appreciated by the regular judiciary.

Caseloads in district courts have been growing rapidly, particularly in Lane, Multnomah, Klamath, Coos, Marion and Washington Counties. As in the circuit courts, the district court judges have been willing, when possible, to exchange benches with each other. However, because more and more help is needed, extensive use has been made of pro tem district judges. A special effort is being made during this 1973-75 biennium to find able judicial manpower to assist the district courts. Washington and Klamath counties will have a practically full time pro tempore judge. Marion County has also found manpower to supply the equivalent of a full time judge, and a program for Coos and Lane counties along similar lines has been planned. Multnomah County has been using pro tems to the equivalent of almost three full time district judges.

### STATE-FEDERAL JUDICIAL COUNCIL:

The State-Federal Judicial Council has held several meetings since its establishment in 1971. Its present members are: Judges Alfred T. Goodwin, Robert C. Belloni and James M. Burns of the federal courts, and Chief Justice Kenneth J. O'Connell, Associate Justice Ralph M. Holman, Chief Judge Herbert M. Schwab and Circuit Judge William M. Dale of the state courts. The Council has met along with the Judicial Conference and its work has been of great help to both federal and state courts. The Council has dealt with S 1876 before the United States Congress, questions of diversity of citizenship, the use of federal judges from the Oregon court system on Court of Appeals panels involving Oregon law, exchange of information between state and federal judges relative to common problems, the possibility of advisory opinions from the State Supreme Court to the federal court, problems in habeas corpus cases, and ramifications of opinions of the federal courts that affect the state courts.

Purpose of the Council is to improve and promote the efficient administration of justice in Oregon and to continue the long-standing excellent working relationships between the federal and state judiciary within the state.

### EXPERIMENTS:

In 1973 a successful experiment in Yamhill and Polk Counties was conducted using pro tempore circuit court judges as court commissioners to relieve the trial judge of the more routine judicial matters so they could significantly reduce case backlogs.

Another experiment resulting in substantial reduction of a backlog of cases was conducted in Klamath County where three district court judges from other counties joined the resident judge and with the cooperation of the district attorney's office conducted two weeks of intensive and successful efforts to process to completion a large backlog of major traffic cases resulting from the introduction of a special squad of ten state policemen on a program to reduce the growing numbers of serious drunk driving accidents on Klamath County highways.

## Special Problems

---

### TRANSCRIPTS ON APPEAL:

A constant problem to which the appellate courts have given considerable attention is obtaining timely transcripts on appeal. Most transcripts arrive on schedule or at least within one 30-day extension. However, when a reporter must prepare an especially long or complicated transcript or receives orders for several transcripts in a brief span of time, special problems are created and serious delay usually results.

Due to the system of each reporter being assigned to a specific judge, a lack of sufficient number of pro tem reporters, the reluctance of county commissioners to employ extra or roving reporters, the reporter remuneration system, and other factors, it is difficult for a reporter with a backlog of transcription to be free of the courtroom until caught up. The solution to a transcript backlog, however, must be an alternative other than delay at the appellate level. Cooperative efforts of the judges, reporters, administrators attorneys and fiscal officers will be required in developing new solutions.

Some help would come from reductions in the amount of transcript designated on appeals. In many cases considerable portions of the verbatim transcript are of no value to the appellate court. This is especially true of the *voire dire*, opening statements and arguments, but also may include much of the testimony. A reduction in the amount of transcript requested could bring about a considerable saving in time, effort and costs.

### PUBLICATION OF APPELLATE DECISIONS:

Another problem is the timely publication and distribution of appellate decisions. If the appellate courts had their own private printer they could consistently publish advance sheets within three weeks of the handing down of the opinion and publish the bound volumes within about six months of the date of the last opinion reported in each volume. The courts, of course, do not have their own private printer, but must rely on the state printer. That officer has been cooperative and has done the best he can for the courts, but his first allegiance is to the Legislative Assembly. In the past, publication of advance sheets and bound volumes fell behind schedule during legislative sessions, but usually caught up again between sessions. During the first half of 1973, Advance Sheets were mailed about three weeks after the decisions were issued, and publication of the bound volumes was gradually advanced from about 24 months or more after the decisions to about 12 months. This seemed to be the best to be hoped for under the present system. However, with the deluge of legislative work following the adjournment of the session in July, distribution of the Advance Sheets and the bound volumes was again being delayed.

The Legislature has directed that General Services Division of the Executive Department set the price of the Advance Sheets and Oregon Reports at full cost of publication and distribution. Cost of the Advance Sheets subscription was set at \$35 per year. Price of the bound volumes was established at \$12.50 each.

With ever rising printing costs and with other printing demands on the state printing section it may be preferable for the appellate courts of Oregon to follow the precedent of many other states and discontinue publishing state reports and rely on private law book publishers. Other alternatives are also being considered, such as publishing only those opinions that deal with substantial issues and worthy precedents.

### APPELLATE COURT RULES:

After several months of research, drafting and redrafting, the two appellate courts published new rules of appellate procedures effective January 1, 1974. The completely revised rules for procedure on appeal to the two appellate courts should be easier to understand, more realistic to work with and more practical for all concerned.

## Office of the State Court Administrator

### EX-OFFICIO EXECUTIVE SECRETARY OF THE JUDICIAL CONFERENCE:

---

In 1970 the Management 70's Task Force made a thorough study of the administrative functions, workload and organization of the office of the Clerk of the Supreme Court with a view toward making recommendations for better organization of the Court's administrative functions. The study also included the work of the administrative assistant to the Chief Justice.

The result of the Task Force's extensive research and study was a recommendation for reorganization to avoid duplication of effort, to centralize work control and policy making and to improve channels of communication. The theory was to make the clerk or administrator fully responsible for the smooth-running efficiency of the entire administrative staff subject to broad policy directions from the appellate courts.

Legislation was passed in 1971 creating the position of State Court Administrator to replace the former Clerk of the Supreme Court and the Court of Appeals, the Administrative Assistant to the Chief Justice and the Executive Secretary to the Judicial Conference.

### APPELLATE COURT RESPONSIBILITIES:

The State Court Administrator is responsible to the two appellate courts for processing cases on appeal, publishing decisions, administering records, dockets, facilities, personnel and fiscal matters and other aspects of appellate court administration. The administrator also assists the Supreme Court in connection with the bar examinations and admission of new attorneys, maintains the Supreme Court roster of attorneys, assists in disciplinary matters and performs other liaison with the Board of Governors and the Bar Committees.

### STATE-WIDE RESPONSIBILITIES:

Another and separate role of the State Court Administrator is as Assistant to the Chief Justice in his growing duties as supervisor of the state court system in Oregon. This part of the administrator's job is primarily a service to the trial courts and trial judges. Pursuant to instructions from the Chief Justice the State Court Administrator arranges for the assignment of trial judges to other jurisdictions and for the appointment of pro tempore judges as needed. He manages the statistical reporting system for all courts in the state, represents the courts on numerous boards and committees at both the state and national level, (including the Oregon Law Enforcement Council, the Traffic Safety Commission, the National Conference of State Court Administrators, the National Center for State Courts and various committees on computerization of court records and statistics).

### JUDICIAL CONFERENCE RESPONSIBILITIES:

Another major responsibility is serving as Executive Secretary to the Oregon Judicial Conference. In such position the State Court Administrator is responsible for the planning and coordination of the annual meeting of the Conference, supplying staff and otherwise working with the Conference committees throughout the year and coordinating the several judicial education programs of the Conference.

### FEDERAL GRANTS:

The State Court Administrator represents the courts on the Oregon Law Enforcement Council and prepares all applications for LEAA grants submitted to the Council on behalf of the Supreme Court and the Judicial Conference. Since 1972, federal funding through Law Enforcement Assistance Administration has

been sought for court programs for which state or local funds have not been available. In 1972 only one grant was allowed — \$6,000 for judicial education. In 1973 two grants were received. One was \$20,000 for judicial education for circuit and district judges, municipal judges and justices of the peace, and a limited number of career court personnel to attend the National College of the State Judiciary at the University of Nevada in Reno and other seminars and workshops. The other 1973 project was \$36,997 for a statistical and calendaring study which is still under way.

For 1974 the State Court Administrator submitted proposals for five LEAA grants. These included: (1) a continuing request for judicial education funds; (2) funds to edit and publish the Judicial Conference bench book for trial judges; (3) funds to hold a one-week, in-state training session for municipal judges and justices of the peace to be conducted by the National College of the State Judiciary, along with the corrections and sociology faculty from Oregon College of Education, Oregon judges, lawyers and court administrators; (4) funds to implement, under the auspices of the American Bar Association, a Comparative Analysis of American Bar Association Standards for Criminal Justice with Oregon's criminal laws, rules and legal practice; and (5) funds to implement a training course for court support personnel at Oregon College of Education under the direction of its corrections and sociology faculty. The first four of these projects were approved in the amount of \$75,800 in federal funds.

Also on behalf of the Chief Justice the State Court Administrator made application for an LEAA grant to participate in a nationwide model judicial statistics and information project along with 10 other states under the auspices of Project SEARCH and The Institute of Judicial Administration. Approximately \$200,000 will be granted for the development of minimum judicial data elements and pilot implementation of a prototype state-wide judicial information system. Under the project the State Court Administrator will serve on the national planning committee to develop the basic elements of the prototype system and to guide the design of the system to meet the identified needs of Oregon courts. The participating states may then proceed to state-wide implementation of the judicial information system.

Oregon's participation in this program will have considerable impact on the courts. A special project staff will make a systems study of selected circuit and district courts and supporting clerk's offices to determine what the information needs are for these courts and their support staff and how best to satisfy these needs. The same staff will implement in these courts and support offices the basic model system developed.

#### STAFF:

The staff of the State Court Administrator is divided into three areas: those involved primarily in the state-wide court system, those involved with the appellate courts only and those whose duties involve both areas.

The Assistant State Court Administrator assists in all facets of the administrative work with emphasis on budgets, personnel, public relations, space and facilities, legislation and general office management. In the section dealing with the overall court system there is a court research planner responsible for program development in lower courts and for handling LEAA grants; a research statistician responsible for overseeing the judicial statistics program for the appellate, circuit, district, municipal and justice of the peace courts and a judicial assignments clerk who handles assignments of regular and pro tempore judges as well as assisting with the trial court statistics.

To assist the State Court Administrator with the appellate court administration there is an attorney who does legal research on preliminary matters for both appellate courts, prepares the Supreme Court weekly agenda and sets cases for argument. There is an administrative assistant, one secretary and a bailiff whose sole duties are case processing in the Supreme Court, and an administrative assistant and three clerical personnel for case processing in the Court of Appeals. There is also an editor with responsibility for publication of the decisions of the appellate courts, first in the Advance Sheets and subsequently in the bound Oregon Reports.

The assistant state court administrator, court research planner, research statistician, judicial assignments clerk and editor, as well as the State Court Administrator himself, serve as staff to the various committees of the Judicial Conference. The fiscal officer, property and services clerk and two secretaries work for both the appellate and the court systems section of the office.

In the three years since the Management 70's Task Force Report on the Supreme Court, the administrative office has not only undergone, but is still undergoing, restructuring to better perform its primary responsibilities of (1) administration of the appellate courts and (2) implementing the policies of the Supreme Court in exercising its general administrative authority and supervision over the courts of the state.

The goals of the internal reorganization have been to promote administrative efficiency, establish communication, integrate work effort and disseminate information. Para-legal personnel have been assigned administrative duties formerly handled by attorneys thereby freeing the attorneys on staff for legal research. All areas of responsibility are being studied to determine where changes can be effected for more efficient operation.

In the area of the general administrative authority and supervision over the lower courts, the goal has been to establish greater communication with both circuit and district trial courts and also justice of the peace and municipal courts. A tremendous amount of change and growth is going on in court administration in Oregon, creating a real challenge for the bench, the bar, court administrators, and the interested public.

# Judicial Conference of the State of Oregon Committees

---

## EXECUTIVE COMMITTEE:

Kenneth J. O'Connell, Chairman

Edward H. Howell  
Virgil Langtry  
J.S. Bohannon  
Charles S. Crookham  
Don H. Sanders  
Robert M. Mulvey  
William A. Beckett

Clifford B. Olsen - liaison  
L.A. Cushing - liaison

Loren D. Hicks, State Court Administrator  
Secretary

*Responsible for overall policy direction, coordination of work, committee appointments, review of committee work, liaison with Board of Governors, advisory to Chief Justice, planning, implementation of adopted policies.*

## BENCH BOOK COMMITTEE:

John A. Jelderks, Chairman

Robert Y. Thornton  
Walter W. Foster  
Helen J. Frye  
Phillip J. Roth  
Don H. Sanders  
Irving M. Steinbock

Barbara Newell, staff

*Draft, publish and keep up to date, one or more bench books for trial judges.*

---

## CRIMINAL LAW and PROCEDURE COMMITTEE:

Donald R. Blensly, Chairman

Herbert M. Schwab  
Jacob Tanzer  
Edwin E. Allen  
Winston L. Bradshaw  
Duane R. Ertsgaard  
Courtney R. Johns

Frank D. Knight  
Berkeley Lent  
George Van Hoomissen  
Anthony L. Casciato  
L.A. Cushing

Charles Gleason, staff

*Continuous study and reports on criminal substantive procedural law and the practice of criminal law, including habeas corpus, post conviction, and prison discipline. Recommend changes. Maintain liaison with the Oregon State Bar Committee on Criminal Law and Procedure.*

## ELECTRONIC DATA PROCESSING COMMITTEE:

William A. Beckett, Chairman

James R. Ellis

Non-Judicial Personnel  
Bill Dunbar  
Harold Jensen  
Don Norman  
Gerald C. Schmitz  
Lloyd Smith

Douglas Bray, staff

*Study the application of electronic data processing to court records and to monitor standards for use of electronic data processing in courts. Also to monitor the many studies being conducted on use of computers in the field of law and in the courts and interpret them to the Conference.*

**FAMILY and JUVENILE LAW COMMITTEE:**

William S. Fort, Chairman

Howard J. Blanding  
W.F. Brownton  
Mercedes F. Diez  
Joseph B. Felton

Albert R. Musick  
James A. Norman  
Donald A.W. Piper

Charles Gleason, staff

*Study and recommend relative to substantive and procedural law in the field of domestic relations, marriage, parent and child, juvenile law and youth generally; also relative to the operation of domestic relation departments and juvenile courts, liaison with Association of Juvenile Court Judges, Association Juvenile Court Directors, National College of Juvenile Court Judges, etc. Maintain close, direct liaison with Oregon State Bar Committee on Family and Juvenile Law.*

**JUDICIAL ADMINISTRATION COMMITTEE:**

Jena V. Schlegel, Chairman

Dean Bryson  
Edward Howell  
Samuel M. Bowe  
J.R. Campbell  
Pat Dooley  
Richard M. Mengler  
Hollie M. Pihl  
Alfred T. Sulmonetti

William C. Beers  
Aaron Brown, Jr.  
Sam Hall  
Harold A. Lewis

Douglas Bray, staff  
Charles Gleason, staff

*Study in the field of court administration and management, including remuneration and retirement benefits for court personnel, overall budgeting, new judgeships and new courts, personnel system for courts, organization of courts and the court system, function of the office of the presiding judge, special problems such as court reporters, county commissioners, use of para judicial help, study of court administration in other states. Maintain liaison with Oregon State Bar Committee on Judicial Administration.*

**JUDICIAL ASSIGNMENTS COMMITTEE:**

Robert M. Mulvey, Chairman

Pat Dooley  
Charles H. Foster  
Roland V. Rodman  
William W. Wells  
Lyle D. Wolff  
John F. Gantenbein  
A.R. McMullen

Esther Baird, staff

*Study and advise the Chief Justice relative to program of reassigning judges from one district to another, selection and assignment of pro tem judges, use of senior judges. Investigate and advise relative to particular problems in judicial assignments.*

**JUDICIAL CONDUCT COMMITTEE:**

F. Gordon Cottrell, Chairman

Ralph M. Holman  
Harlow F. Lenon  
John J. Murchison  
L. Orth Sisemore  
Carlisle Roberts  
Shirley Field  
Robert L. Gilliland  
Albin W. Norblad  
Joseph J. Thalhofer

Loren D. Hicks, staff

*Study and monitor Oregon's Code of Judicial Conduct, advising individual judges on possible conflicts of interests. Advise the bench on practices that cause conflicts and those that avoid them. Maintain liaison with the Judicial Fitness Commission, ABA Committee on Judicial Conduct, and Governor's office and Chief Justice re criteria for judicial selection.*

**LEGISLATIVE COMMITTEE:**

Thomas H. Tongue, Chairman

Herbert M. Schwab  
Alan F. Davis  
John M. Copenhaver  
George A. Jones  
Jean L. Lewis  
Roland K. Rodman  
Gregory E. Milnes  
Richard L. Unis

Loren D. Hicks, staff  
Charles Gleason, staff  
Adell Johnson, staff

Carl H. Francis (non-Conference member)

*Maintain liaison with the Oregon Legislature. Plan and coordinate presentations on legislative proposals supported and opposed by the Judicial Conference. Follow course of legislation of interest to the courts. Advise other committees relative to legislation in their field of interest. Maintain liaison with the Oregon State Bar relative to its legislative program and with its Committee on Law Revision, develop a unified approach to legislative matters.*

**MINOR COURTS COMMITTEE:**

Philip T. Abraham, Chairman

Mitchell Karaman  
Darrell J. Williams  
Wayne H. Blair  
John F. Cushman  
Ross B. Davis

Harold T. Johnson  
Gerald O. Kabler  
James A. Mason  
Sam Van Vactor

Charles Gleason, staff  
Douglas Bray, staff

*Study and advise on problems of special interest to the minor courts of the state, especially the Justice of the Peace Courts and Municipal Courts, and to a lesser extent, District and County Courts. Make recommendations toward bringing the minor courts more into the state system of courts. Maintain close liaison with the minor courts and with the Oregon Association of Justices of the Peace, courts subdivision of the League of Oregon Cities, the Minor Court Rules Committee and national minor court organizations such as the American Academy and the National Conference of Special Court Judges.*

**OREGON JUDICIAL COLLEGE COMMITTEE:**

Richard L. Unis, Chairman

William McAllister  
Glen Hieber  
Robert E. Jones  
Loren L. Sawyer  
Alfred T. Sulmonetti  
George Van Hoomissen  
Richard J. Courson  
Edmund Jordan

Law School Representatives:

Dean Fred Fagg, III (Northwestern)  
Prof. Ross Runkel (Willamette)  
Dean Fred Merrill (U. of O.)

Loren D. Hicks, staff  
Charles Gleason, staff

Kay Stallings (OSB)

*Act as planning, coordinating and operating agency for programs of judicial education for Oregon judges and court personnel including the educational portions of the annual meeting of the Judicial Conference, the annual Judges Orientation Course, special training programs for Circuit and District Judges, JP's and Municipal Judges, court support personnel, etc. Establish policies and priorities for selection of judges and others to attend out of state seminars and colleges. Maintain liaison with the many national judicial education and training programs, with the Oregon State Bar CLE program, and with the Oregon colleges of law.*

**PROBATE LAW and PROCEDURE COMMITTEE:**

Kurt C. Rossman, Chairman

Robert Foley  
J.S. Bohannon  
Thomas E. Edison  
P.K. Hammond  
Donald L. Kalberer  
William S. McLennan

Val D. Sloper  
Douglas R. Spencer  
John C. Warden  
William W. Wells  
Darrell J. Williams  
Robert L. Gilliland  
Albert R. Musick

Douglas Bray, staff

*Study and make recommendations concerning Oregon's probate code and probate practice; develop and urge adoption of efficient methods of handling probate cases by the courts, and the bar. Maintain liaison with the Oregon State Bar Committee on Probate Law and Procedure.*

---

PROCEDURE and PRACTICE COMMITTEE:

John C. Beatty, Jr. Chairman

Arno Denecke  
Jacob Tanzer  
William M. Dale, Jr.  
Douglas R. Spencer  
Winfred K. Liepe  
Robert W. Redding

Non-voting participant advisors:

William V. Deatherage and David Templeton (Oregon State Bar)  
Burl Green and Lawrence Dean (American Trial Lawyers Assn)  
Thomas Cooney and Owen Panner (Oregon Assn of Defense Counsel)

Loren D. Hicks, staff

*Study and make recommendations concerning court procedure and practice, form of pleadings, handling of dockets, court documents, notices, and legislation re such procedures. Maintain liaison with Oregon State Bar Committee on Procedure and Practice.*

PUBLIC RELATIONS COMMITTEE:

Edward Leavy, Chairman

Dean Bryson  
Dale Jacobs  
Robert E. Jones  
Carlisle Roberts  
Philip M. Bagley  
Thomas W. Hansen  
Lavaughn A. Merryman  
Charles A. Sams

Adell Johnson, staff

*Study and make recommendations relative to public relations of the judiciary. Sponsor and monitor public programs for Law Day, newspaper stories, TV shows, civic club speakers, etc. Advise on relations with the media. Maintain liaison with the Oregon State Bar public relations program.*

---

REPORTING and RECORDS COMMITTEE:

Charles S. Crookham, Chairman

Virgil Langtry  
Jeff D. Dorroh  
James R. Main  
Charles H. Reeves  
Frank R. Alderson  
Carl M. Felker  
Harold A. Lewis  
Oregon Shorthand Reporters Association Representative  
Dave Ohmart

Adell Johnson, staff

*Study and make recommendations relative to hiring, supervision, remuneration and responsibilities of court reporters. Also study systems and innovations in court reporting and preparation of transcripts. Examine and give advice on particular problems in court reporting. Also, study and make recommendations relative to storage and ultimate destruction of court reporters notes and other court records. Maintain liaison with the Oregon Shorthand Reporters Association.*

STATISTICS COMMITTEE:

Roland V. Rodman, Chairman

Winston L. Bradshaw  
Richard J. Burke  
Eugene K. Richardson  
Walter W. Foster  
Carl G. Stanley

Michael Hall  
John R. Peterson  
Daniel E. Wood

Douglas Bray, staff

*Study the reporting and publication of judicial statistics from all courts. Advise on efficiency and value of the statistics and on need for changes to the system. Maintain liaison with the many agencies and groups in the field of judicial statistics, analyze and report on the facts and trends revealed by Oregon court statistics.*

## ORS Statutes Creating Judicial Conference of the State of Oregon

### UNIFORM JURY INSTRUCTIONS COMMITTEE:

Wendell H. Tompkins, Chairman

Charles S. Crookham  
Glen Hieber  
Henry Kaye  
Edward Leavy  
Clifford B. Olsen  
Charles S. Woodrich  
William A. Beckett  
William L. Richardson

*Study and draft uniform jury instructions for  
civil and criminal trials. Maintain liaison  
with Oregon State Bar Committee on Uniform  
Jury Instructions.*

1.810 Judicial conference; membership; officers; expenses. There hereby is created and established a Judicial Conference of the State of Oregon. The conference shall consist of all the judges of the Supreme Court, the Court of Appeals, the Oregon Tax Court, the circuit courts and the district courts. The Chief Justice shall be chairman of the conference and shall have power to invite any persons not members of the conference to attend the meetings of the conference and consult with it in the performance of its duties. The State Court Administrator shall act as executive secretary of the conference. Each member of the conference, the State Court Administrator, and each person invited by the Chief Justice, is entitled to reimbursement for his hotel bills and traveling expenses necessarily incurred by him in the performance of his duties relating to the Judicial Conference of the State of Oregon. [1955 c.470 § 1; 1959 c.552 § 12; 1963 c.423 § 2; 1965 c.494 § 13; 1969 c.198 § 29; 1971 c.95 § 1]

1.820 Function of conference. The conference may make a continuous survey and study of the organization, jurisdiction, procedure, practice and methods of administration and operation of the various courts within the state. Such survey and study may be coordinated with any similar survey and study made by the Judicial Council of the State of Oregon.<sup>1</sup> [1955 c.470 § 2; 1965 c.494 § 14]

1.830 Meetings. The conference shall meet at such time as shall be designated by its chairman, not less than once annually [1955 c.470 § 3; 1965 c.494 § 15]

1.840 Annual report. The conference shall report annually to the Governor with respect to such matters, including recommendations for legislation, as it may wish to bring to the attention of the Governor or of the legislature. [1955 c.470 § 4; 1959 c.552 § 13; 1965 c.494 § 16]

<sup>1</sup> The Judicial Council of the State of Oregon was dissolved by the 1971 Legislature.

# By-Laws of the Judicial Conference of the State of Oregon As Amended June 12, 1970

---

## 1. EXECUTIVE COMMITTEE:

- a. There shall be a standing committee of the Judicial Conference called the Executive Committee. Said committee shall consist of 3 Circuit Court Judges, 2 District Court Judges, 1 Judge of the Court of Appeals and 2 Supreme Court Judges, including the Chief Justice who shall be Chairman.
- b. The Executive Committee shall supervise the work of the Conference, possessing and exercising all the powers of the Conference when the Conference is not in session.
- c. The term of the one elective member from the Supreme Court shall be two years commencing upon the conclusion of the annual meeting of the Conference at which he was elected. The elective Supreme Court member shall be nominated and elected by the Supreme Court Judges.
- d. The term of the member from the Court of Appeals shall be three years commencing upon the conclusion of the annual meeting of the Conference at which he was elected. The Court of Appeals member shall be nominated and elected by the Court of Appeals Judges.
- e. The terms of the three members from the Circuit Court shall be three years commencing upon the conclusion of the annual meeting of the Conference at which each member was elected. The Circuit Court members shall be nominated and elected by the Circuit Court Judges.
- f. Five members, including the Chief Justice, shall constitute a quorum.
- g. Vacancies on the Executive Committee occurring between elections shall be filled by appointment by the Chief Justice for the unexpired term. The Chief Justice shall consult with the Supreme Court or with the remaining Court of Appeals, Circuit Court or District Court members, as may be appropriate.
- h. The Executive Secretary of the Conference shall serve as Secretary to the Executive Committee.

---

## 2. NOMINATING COMMITTEES:

- a. The Chief Justice may appoint three nominating committees if necessary. One shall consist of three Court of Appeals Judges which shall select Court of Appeals nominees for election to the Executive Committee, one shall consist of three Circuit Court Judges which shall select Circuit Court nominees for election to the Executive Committee, and one shall consist of three District Court Judges which shall select District Court nominees for election to the Executive Committee. Each committee shall be discharged upon the election of one of its nominees as a member of the Executive Committee.
- b. The duty of the Nominating Committee to select nominees for membership on the Executive Committee is not in derogation of the right of members of the Conference to nominate from the floor.

## 3. COMMITTEES AND COMMITTEE WORK:

- a. The Chief Justice shall, with the advice of the Executive Committee, have power to create committees, task forces, study groups or other such arms of the Conference composed of one or more Conference members as shall be necessary to carry out the work of the Conference, and appoint the member or members thereof.
- b. Whenever practicable the subjects for study and consideration by such arms of the Conference shall be submitted to the Conference as a whole for their determination of the suitability of such subjects for study.

**END**